

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.09 J, Closed Area No. 56, Dennys River, promulgated on December 23, 1991, is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.09 J, Closed Area No. 56, Dennys River and Northwestern Dennys Bay, Edmunds and Pembroke.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of:
  - A. The Dennys River upstream from a line beginning at a red painted post on Clark Point, Dennysville, extending southeasterly across the Narrows, so called, at the mouth of the Dennys River and terminating at a red painted post on the opposite shore in Edmunds Township, Washington County.
  - B. The area north of a line, approximately 1000 yards south of the US Route 1 bridge crossing Wilson Stream, that runs northwesterly from a red painted post on the Pembroke shore of the Hardscrabble River, so called, to a red painted post on the opposite Dennysville shore.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. 6204).

EFFECTIVE DATE: October 8, 1996

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### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 J, Closed Area No. 56, Dennys River, promulgated on December 23, 1991, and enacts a new regulation. This new rule prevents the taking of clams, quahogs, and oysters from the flats and waters of the Dennys River upstream from the Narrows, Clark Point and north of a line across Hardscrabble River approximately 1000 yards south of the US Route 1 bridge crossing Wilson Stream, Pembroke. Due to Closure 64-E for marine biotoxin, mussels (*Mytilus edulis*), may not be harvested in this area.

Department personnel have sampled and surveyed these waters and found this closed area is subject to intermittent microbiological pollution. As a consequence the harvest of clams, mussels, oysters and quahogs must be prohibited to protect the public health.

The size of this closed area is now reduced in size due to the determination that no known public health risk impacts the shellfish in the lower Dennys and Hardscrabble Rivers, Dennys Bay and Ox Cove.



ROBIN ALDEN  
Commissioner

